

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, <i>Co-Chair</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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July 14, 2015

VIA FACSIMILE AND ECF

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States
Courthouse
500 Pearl Street, Room 630
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (FM)

Dear Judge Daniels:

We write on behalf of the Plaintiffs' Executive Committee and Defendants the Kingdom of Saudi Arabia (the "Kingdom") and the Saudi High Commission for Relief of Bosnia & Herzegovina (the "SHC") concerning the status conference currently scheduled for July 30, 2015 at 11 a.m. We have also conferred with the Defendants' Executive Committee. Plaintiffs and Defendants agree that the only open items for the July 30 conference¹ would be the Motion to Amend filed by Plaintiffs (ECF No. 2890) and the corresponding Renewed Motion to Dismiss filed by the Kingdom and the SHC (ECF No. 2893), which are fully briefed. Plaintiffs and Defendants respectfully submit the following statements concerning oral argument on those motions and certain other matters:

Plaintiffs' Statement

Plaintiffs respectfully submit that oral argument would assist the Court in resolving the issues raised by Plaintiffs' Motion to Amend and Defendants' Renewed Motion to Dismiss.

¹ The renewed motion to dismiss of defendant Abdulrahman al Swailem is pending before the Court as well. The Court has already heard oral argument on that motion.

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Particularly given the scope of the briefing and record offered in support of plaintiffs' arguments (which is not necessarily exhaustive of the evidence in plaintiffs' possession on any issue or from any source), plaintiffs believe oral argument would be beneficial in framing and focusing the issues for the Court.

Unfortunately, the July 30, 2015 conference date presents a conflict for certain plaintiffs' counsel who would like to attend oral argument on the two motions. If the Court is amenable, plaintiffs would respectfully propose that oral argument on the motions be held on a date in September, to avoid conflicts with the Summer vacation schedules of the many counsel representing parties in these proceedings. Of course, if the Court would prefer to proceed with argument on July 30, 2015, counsel for plaintiffs will be present and prepared to present argument on that date.

Finally, plaintiffs wish to alert the Court that plaintiffs in the *Ashton* and *Federal Insurance* cases filed a joint motion for entry of default judgment against Iran late last week. In essence, the motion for default judgment as to Iran simply requests that the Court extend its earlier ruling entering default judgment against Iran in the *Havlish* case to the *Federal Insurance* and *Ashton* matters.

Defendants' Statement

The Kingdom and the SHC defer to the Court as to whether oral argument would be useful and (if so) on what date it should occur. Their counsel are available on July 30 if the Court wishes to hear argument on that date. If the Court wishes instead to hear argument in September, as plaintiffs request, counsel for the Kingdom and the SHC are available on any date from the beginning of the month to September 18.

Respectfully submitted,

/s/ Sean P. Carter

The MDL 1570 PLAINTIFFS'
EXECUTIVE COMMITTEES

/s/ Michael K. Kellogg

Counsel for the Kingdom of Saudi Arabia

cc: The Honorable Frank Maas (Via Facsimile and ECF)
All Counsel of Record (Via ECF)